

ages for the violation of the agreement by any of the signers thereto which shall be a fixed and liquidated demand which can be recovered for the benefit of all the parties to each contract or agreement upon the suit of any of said signers in any court of competent jurisdiction, without the necessity of the other signers of the contract or agreement being made parties to said suit; provided, however, that only one recovery shall be had against any individual, firm or corporation violating the contract or agreement provided for herein.

Sec. 2. The signers of the agreement, whether individuals, firms or corporations, shall have the right to prescribe such terms, conditions and limitations as may be deemed best by them; provided, however, that the damages provided for must in all cases be fixed as a liquidated demand, and it shall be unnecessary in any case to prove that actual damages have been suffered in order to recover the damages provided in said contract or agreement. The county clerk of any county shall file said contract or agreement in a book kept for that purpose and may charge a filing fee of one (\$1.00) dollar, and a certified copy thereof shall be admissible in any court in this State without proof of its execution, and it shall not be necessary, in order to record same, that it be acknowledged or witnessed as required of other instruments necessary to be recorded, and the original contracts or agreements shall be kept on file by the clerk of such county.

Sec. 3. The sum of ten thousand (\$10,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated for the Commissioner of Agriculture to be used in organizing the producers of this State into agreements as provided herein, and he shall have the right to employ such agents and clerical help as may be necessary to assist in carrying into effect the provisions of this act.

Sec. 4. It is provided, however, that where land is leased to a tenant, that it shall be necessary that both the landlord and tenant shall become a party to any agreement hereunder before recovery can be had against either said landlord or tenant, and wherever both the landlord and tenant shall sign such contract or agreement one recovery only shall be permitted and they shall be

jointly and severally liable for such damages.

Sec. 5. The fact that there is no demand for cotton by reason of the war in Europe and that the supply is greater than the amount demanded by the spinners of the United States and foreign countries, and the necessity of restricting the supply to be produced next year creates an emergency and imperative public necessity, necessitates that the rule requiring all bills to be read on three several days be suspended, and it is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

#### TWENTIETH DAY.

Senate Chamber,  
Austin, Texas,

Friday, October 16, 1914.

The Senate met pursuant to adjournment, and was called to order by Senator Hudspeth, acting President Pro Tem.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Henderson.
Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	Johnson.
Brelsford.	Lattimore.
Carter.	McNealus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Harley.	Willacy.

Absent.

McGregor.	Warren.
Morrow.	

Absent—Excused.

Clark.	Nugent.
Darwin.	Westbrook.
Hall.	Wiley.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Taylor.

#### STANDING COMMITTEE REPORTS.

Senator Carter, acting as chairman of Judiciary Committee No. 1, asked to

file a report from the committee on House bill No. 4.

Senator Watson made the point of order that the bill, having been reported by a less number than a majority of the committee, that the entire Senate had been added to Judiciary Committee No. 1, and that at the meeting of the committee there was only seven members of the committee present.

The Chair, Senator Hudspeth, held that since the same point of order had been passed on by President Pro Tem. Morrow he would refer the point of order to the entire Senate.

Question—Shall the point of order be sustained?

The roll was called and the Senate overruled the point of order by the following vote:

Yeas—6.

Bailey of Harris.	Terrell.
Cowell.	Watson.
Taylor.	Willacy.

Nays—10.

Astin.	Gibson.
Brelsford.	Greer.
Carter.	Johnson.
Collins.	Real.
Conner.	Townsend.

Present—Not Voting.

Henderson.	Hudspeth.
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Absent.

Morrow.	Warren.
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Absent—Excused.

Darwin.	Wiley.
Hall.	

PAIRED.

Senator Bailey of DeWitt (present), who would vote "yea," with Senator Clark (absent), who would vote "nay."

Senator Harley (present), who would vote "nay," with Senator Nugent (absent), who would vote "yea."

Senator McNealus (present), who would vote "nay," with Senator McGregor (absent), who would vote "yea."

Senator Lattimore (present), who would vote "yea," with Senator Westbrook (absent), who would vote "nay."

Senator Watson offered the following:

Be it resolved by the Senate, That on House bill No. 4 it is agreed and admitted that only seven members participated in the committee hearing on said bill by Judiciary Committee No. 1, and

that notwithstanding said fact said report was accepted by the Senate over the protest of Senator Watson as appears from action of the Senate in refusing to sustain point of order against receiving said report.

The above was read and Senator Carter made the point of order that the resolution was not germane.

The Chair overruled the point of order.

Senator Watson moved that the statement be adopted.

Senator Collins moved to table the statement, which motion to table was adopted by the following vote:

Yeas—10.

Brelsford.	Johnson.
Carter.	McNealus.
Collins.	Real.
Conner.	Taylor.
Greer.	Townsend.

Nays—7.

Astin.	Terrell.
Bailey of Harris.	Watson.
Hudspeth.	Willacy.
Lattimore.	

Present—Not Voting.

Cowell.	Henderson.
Gibson.	

Absent.

McGregor.	Warren.
Morrow.	

Absent—Excused.

Darwin.	Westbrook.
Hall.	Wiley.

PAIRED.

Senator Bailey of DeWitt (present), who would vote "yea," with Senator Clark (absent), who would vote "nay."

Senator Harley (present), who would vote "yea," with Senator Nugent (absent), who would vote "nay."

Senator Collins moved to expunge the statement above referred to and all reference to same from the Journal, which motion was lost by the following vote:

Yeas—6.

Carter.	Johnson.
Collins.	McNealus.
Greer.	Taylor.

Nays—11.

Astin.	Gibson.
Bailey of Harris.	Hudspeth.
Cowell.	Lattimore.

McGregor.            Townsend.  
Real.                Willacy.  
Terrell.

Present—Not Voting.

Brelsford.            Watson.  
Henderson.

Absent.

Bailey of DeWitt.    Morrow.  
Conner.                Warren.

Absent—Excused.

Clark.                Westbrook.  
Darwin.               Wiley.  
Hall.

PAIRED.

Senator Harley (present), who would vote "yea," with Senator Nugent (absent), who would vote "nay."

The committee report on House bill No. 4 was then received and read. (See Appendix for the report.)

Morning call concluded.

#### SENATE BILL NO. 7.

(Pending Business.)

Action here recurred on the pending business, Senate bill No. 7, the question being on the substitute by Senator Lattimore for the bill and pending amendments.

By unanimous consent Senator Lattimore withdrew the substitute and offered the following in lieu thereof:

Strike out all after the enacting clause and insert the following:

"Section 1. No person, firm or corporation owning, leasing or controlling any farm lands in this State now in cultivation or which may be put in cultivation during the year 1915, shall wilfully plant, allow or permit to be planted in cotton an amount of said lands during 1915 more than such number of acres as shall equal 50 per cent of the quantity of such land which was planted in cotton during the year 1914, except as hereinafter provided.

"Sec. 2. Any person who, for himself or for another, whether such other person be a natural person or a corporation, who shall violate the terms of Section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in an amount equal to ten dollars per acre for each acre wilfully planted in cotton during said year in excess of the amount authorized to be planted under the terms

of this act; provided that the provision of this act shall be cumulative of the penalty provided for in Section 3 hereof.

"Sec. 3. Any corporation violating the provision of this act shall forfeit its charter, franchise or permit, as the case may be, and its corporate existence shall cease and determine; and, in addition thereto, any such corporation violating the provisions hereof shall forfeit and pay to the State of Texas any sum of money not exceeding five thousand dollars as penalties, which may be recovered in the name of the State of Texas, in any county where the offense is committed or where such corporation has an agent or office, or in Travis county; and it shall be the duty of the Attorney General on his own motion, and without leave of any court or judge, or the duty of any district or county attorney, under the direction of the Attorney General, to institute quo warranto proceedings and suit for penalties hereunder in any county having jurisdiction hereof, as above defined, for the forfeiture of the charter, franchise or permit, of any offending corporation and for the penalties herein provided against it.

"Sec. 4. This act being considered an emergency measure, it shall expire by limitation on December 31, 1915, except as to the recovery of penalties provided by this act, and that prosecutions begun under the terms of this act shall not abate by reason of the limitation hereinbefore provided for.

"Sec. 5. Should any provision of this act be declared unconstitutional, such unconstitutional part shall not affect the other provisions of this act, which shall remain in full force and effect.

"Sec. 6. The importance of this measure and that its enactment should become widely known throughout the State, and the fact that this measure is being enacted at a special session of the Legislature, creates an emergency and an imperative public necessity that the constitutional rule which requires that bills shall be read on three several days in each house be suspended, and that said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

WARREN,  
WILLACY,  
BRELSFORD,  
LATTIMORE,  
HENDERSON,  
GIBSON.

Pending.

Senator Cowell offered the following amendment to the substitute:

Amend the substitute by adding at the end of Section 1, the following:

"Provided, that on every farm in this State, whether operated by owner or tenant, or manager, at least 25 acres may be planted in cotton during the year 1915, when the entire freehold or leasehold does not exceed 50 acres."

Pending.

(Senator Watson in the chair.)

#### SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator McNealus:

Resolved, That Senators Hudspeth and Hall be added to the Committee on Public Buildings and Grounds.

Senator Townsend offered the following amendment:

Amend by adding the names of Senators McGregor and Johnson to list of Senators added.

The amendment was read and adopted, and the resolution as amended, was adopted.

#### SPECIAL COMMITTEE REPORT.

By Senator Bailey of DeWitt:

Honorable Claude B. Hudspeth, President Pro Tem. of the Senate, and Honorable Chester H. Terrell, Speaker of the House of Representatives:

We, your joint committee, appointed to arrange for the joint attendance of the Senate and House of Representatives upon the funeral services of the late Hon. Reuben R. Gaines, beg leave to report and suggest that all Senators, Representatives, officers and employees of the Senate and House of Representatives, assemble in the Hall of the House of Representatives at 2:30 p. m., on Friday, October 16, 1914, and proceed in a body to the Driskill Hotel, where the funeral services will be held.

Respectfully submitted,

BAILEY of DeWitt.  
CONNER.

On the part of the Senate.  
MILLS.

KIRBY.

WORTHAM.

On the part of the House.

The report was read and adopted.

#### RECESS.

Senator Hudspeth moved that the Senate adjourn until 10 o'clock tomorrow morning.

The Chair held that by the terms of Senate Concurrent Resolution No. 6 that when the Senate adjourns for the day that it will be necessary to adjourn until tomorrow morning.

Action recurred on the motion to adjourn until 10 o'clock tomorrow morning and the same was lost by the following vote, though no quorum was present:

Yeas—9.

Astin.	Hudspeth.
Bailey of DeWitt.	Johnson.
Bailey of Harris.	Townsend.
Cowell.	Watson.
Harley.	

Nays—9.

Brelsford.	Henderson.
Carter.	Lattimore.
Collins.	McNealus.
Gibson.	Willacy.
Greer.	

Absent.

Conner.	Taylor.
McGregor.	Terrell.
Morrow.	Warren.
Real.	

Absent—Excused.

Clark.	Nugent.
Darwin.	Westbrook.
Hall.	Wiley.

Pending further discussion, Senator Hudspeth moved that the Senate adjourn until 9:30 o'clock tomorrow morning, which motion was held in order.

The motion was lost by the following vote, no quorum present:

Yeas—8.

Bailey of DeWitt.	Harley.
Bailey of Harris.	Hudspeth.
Conner.	Watson.
Cowell.	Willacy.

Nays—9.

Brelsford.	Henderson.
Carter.	Johnson.
Collins.	McNealus.
Gibson.	Townsend.
Greer.	

Absent.

Astin.	Taylor.
McGregor.	Terrell.
Morrow.	Warren.

## Absent—Excused.

Clark.	Nugent.
Darwin.	Real.
Hall.	Westbrook.
Lattimore.	Wiley.

Senator Brelsford moved that the Senate recess until 8 o'clock tonight.

Senator Bailey of DeWitt made the point of order that the motion to recess was out of order by the terms of Senate Concurrent Resolution No. 6.

The Chair sustained the point of order.

Senator Brelsford appealed from the ruling of the Chair (Senator Watson), which appeal was seconded.

Senator Bailey of Harris was called to the chair and presided.

Question—Shall the Chair be sustained?

The Senate overruled the ruling of the Chair by the following vote, no quorum being present:

## Yeas—5.

Bailey of DeWitt.	Harley.
Bailey of Harris.	Willacy.
Cowell.	

## Nays—8.

Brelsford.	Greer.
Carter.	Henderson.
Collins.	McNealus.
Gibson.	Townsend.

## Present—Not Voting.

Lattimore.	Watson.
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## Absent.

Astin.	Morrow.
Conner.	Real.
Hudspeth.	Taylor.
Johnson.	Terrell.
McGregor.	Warren.

## Absent—Excused.

Clark.	Nugent.
Darwin.	Westbrook.
Hall.	Wiley.

Senator Brelsford moved that the Senate recess until 8 o'clock tonight on account of the funeral of Judge Gaines.

Senator Bailey of DeWitt moved, as a substitute, that the Senate adjourn until 9 o'clock tomorrow morning.

Action recurred on the longest time first, and the motion to adjourn until 9 o'clock tomorrow morning was lost by the following vote, no quorum voting:

## Yeas—7.

Bailey of DeWitt.	Lattimore.
Bailey of Harris.	Watson.
Cowell.	Willacy.
Harley.	

## Nays—8.

Brelsford.	Greer.
Carter.	Henderson.
Collins.	McNealus.
Gibson.	Townsend.

## Absent.

Astin.	Morrow.
Conner.	Real.
Hudspeth.	Taylor.
Johnson.	Terrell.
McGregor.	

## Absent—Excused.

Clark.	Warren.
Darwin.	Westbrook.
Hall.	Wiley.
Nugent.	

Action recurred on the motion to recess until 8 o'clock tonight, and the same was adopted by the following vote:

## Yeas—10.

Bailey of Harris.	Greer.
Brelsford.	Henderson.
Carter.	McNealus.
Collins.	Townsend.
Gibson.	Willacy.

## Nays—5.

Bailey of DeWitt.	Lattimore.
Cowell.	Watson.
Harley.	

## Absent.

Astin.	Morrow.
Conner.	Real.
Hudspeth.	Taylor.
Johnson.	Terrell.
McGregor.	

## Absent—Excused.

Clark.	Warren.
Darwin.	Westbrook.
Hall.	Wiley.
Nugent.	

Before the above vote was announced by the Chair Senator Watson made the point of order that under the Constitution, Section 10, Article 3, less than a quorum could only adjourn from day to day.

The Chair overruled the point of order and declared the Senate at recess until 8 o'clock tonight.

## AFTER RECESS.

(Night Session.)

The Senate was called to order by Senator Hudspeth, acting President Pro Tem.

## SENATE BILL NO. 7.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 7, the question being on the amendment by Senator Cowell to the substitute by Senator Lattimore for the bill and pending amendments.

The amendment was amended with the following: "and when said freeholder or leaseholder actually resides upon, occupies and cultivates said land."

Pending discussion, Senator Lattimore moved to table the amendment to the substitute and called for the yeas and nays.

On the motion to table no quorum was present, the following being the vote:

Yeas—6.

Collins.	Lattimore.
Conner.	McNealus.
Henderson.	Terrell.

Nays—9.

Brelsford.	Hudspeth.
Carter.	McGregor.
Darwin.	Townsend.
Gibson.	Watson.
Harley.	

Present—Not Voting.

Bailey of Harris.

Absent.

Bailey of DeWitt.	Taylor.
Johnson.	Warren.
Morrow.	Willacy.
Real.	

Absent—Excused.

Clark.	Nugent.
Cowell.	Westbrook.
Hall.	Wiley.

PAIRED.

Senator Greer (present), who would vote "yea," with Senator Astin (absent), who would vote "nay."

There being no quorum present, Senator Lattimore moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Brelsford moved that the Senate recess until 10 o'clock tomorrow

morning and that the Sergeant-at-Arms be instructed to wire all absentees to appear instant.

Senator Watson made the point of order that in the absence of a quorum the Senate could only adjourn and require the attendance of absentees.

The Chair sustained the point of order.

Senator Lattimore amended his motion to adjourn, providing that the Sergeant-at-Arms be instructed to wire all absentees to appear at the earliest possible moment.

Senator Watson made the point of order that the instruction to the Sergeant-at-Arms would have to be made before the motion to adjourn.

The Chair held that the motion by Senator Lattimore was in order, but a division of the question was permissible.

Senator Watson called for a division of the question, and the Chair stated that he would put the question of adjournment first.

Senator Lattimore withdrew the motion to adjourn.

Senator Lattimore moved that the Sergeant-at-Arms be instructed to bring in the absentees, conforming the motion to the language of the Senate rules.

Senator Cowell moved, as a substitute, that the Sergeant-at-Arms be instructed to wire the absentees to report here at once.

The substitute motion was adopted and the motion, as substituted was then adopted.

## ADJOURNMENT.

On motion of Senator Lattimore the Senate, at 9 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

## PETITIONS AND MEMORIALS.

By Senator Henderson:

Petition from Jefferson, Texas, favoring reduction in cotton acreage.

## COMMITTEE REPORTS.

(Majority Report.)

Committee Room,  
Austin, Texas, October 15, 1914.

Hon. W. C. Morrow, President Pro Tem.  
of the Senate.

Sir: A majority of your Judiciary

Committee No. 1, to whom was referred

H. B. No. 4, A bill to be entitled "An Act prohibiting the operation of a corporation for the dual purpose of owning, controlling, or operating a cotton seed oil mill, and of owning, controlling, or operating a public cotton gin; also prohibiting a corporation chartered for the purpose of operating a cotton seed oil mill, from owning, controlling or operating, directly or indirectly, a public cotton gin in this State, providing suitable penalties, forfeitures, and procedure for enforcing this act, prohibiting any interference with or restriction of competition in the sale, handling or marketing of cotton seed, giving all corporations engaged in the business of operating cotton seed oil mills, that now own, control or operate public cotton gins nine months from the taking effect of this act, to sell or otherwise dispose of their gin properties and interests, punishing domestic and foreign corporations having no legal authority or permit to do a ginning or cotton seed oil mill business to be in any manner engaged in or in any manner interested therein in this State, or to own stock or any interest in any corporation, foreign or domestic, or joint stock association or partnership, so engaged, providing penalties, punishments, and procedure for all corporations and persons violating this act, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CARTER, Acting Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, October 15, 1914.

Hon. W. C. Morrow, President Pro Tem. of the Senate.

Sir: A minority of your Judiciary Committee No. 1, to whom was referred

H. B. No. 4, A bill to be entitled "An Act prohibiting the operation of a corporation for the dual purpose of owning, controlling, or operating a cotton seed oil mill, and of owning, controlling or operating a public cotton gin; also prohibiting a corporation chartered for the purpose of operating a cotton seed oil mill, from owning, controlling or operating, directly or indirectly, a public cotton gin in this State, providing suitable penalties, forfeitures, and pro-

cedure for enforcing this act, prohibiting any interference with or restriction of competition in the sale, handling or marketing of cotton seed, giving all corporations engaged in the business of operating cotton seed oil mills, that now own, control or operate public cotton gins nine months from the taking effect of this act, to sell or otherwise dispose of their gin properties and interests, punishing domestic and foreign corporations having no legal authority or permit to do a ginning business or cotton seed oil mill business to be in any manner engaged in or in any manner interested therein in this State, or to own stock or any interest in any corporation, foreign or domestic, or joint stock association or partnership, so engaged, providing penalties, punishments, and procedure for all corporations and persons violating this act, and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do not pass.

WATSON.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,

Saturday, October 17, 1914.

The Senate met pursuant to adjournment, and was called to order by Senator Hudspeth, Acting President Pro Tem.

Roll call, no quorum present, the following Senators answering to their names:

Bailey of Harris.	Henderson.
Brelsford.	Hudspeth.
Carter.	Lattimore.
Collins.	McGregor.
Conner.	McNealus.
Cowell.	Terrell.
Gibson.	Townsend.
Greer.	Watson.
Harley.	

Absent.

Astin.	Real.
Bailey of DeWitt.	Taylor.
Clark.	Warren.
Hall.	Westbrook.
Johnson.	Wiley.
Morrow.	Willacy.
Nugent.	